

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

William McClelland and)	
Barbara McClelland,)	
)	
Plaintiffs,)	
)	Civil Action No. 08-851
vs.)	
)	
United States of America,)	
)	
Defendant and)	
Third-Party Plaintiff,)	
)	
vs.)	
)	
Northwestern Mutual Life Insurance)	
Company,)	
)	
Third-Party Defendant.)	
)	

AMBROSE, Chief District Judge

MEMORANDUM ORDER OF COURT

This is a slip and fall case brought pursuant to the Federal Tort Claims Act, in which Plaintiffs are seeking recovery for personal injuries and loss of consortium resulting from Plaintiff William McClelland's slip and fall on ice at the United States Postal Service Logistics and Distribution Center ("L&DC") on February 7, 2006, in Warrendale, Pennsylvania.

Plaintiffs commenced the instant action against Defendant United States of America by Complaint filed in this Court on June 20, 2008. (Docket No. 1). On December 23, 2008, the United States filed a Third-Party Complaint asserting an indemnification claim against Northwestern Mutual under the Pennsylvania Uniform Contribution Among Tortfeasors Act, 42 Pa. Cons. Stat. Ann. § 8321, *et seq.* (Docket No. 17). On March 3, 2009, Northwestern Mutual filed a cross-claim for indemnification against the United States. (Docket No. 24).

On May 4, 2009, the United States filed a Motion to Dismiss Northwestern Mutual's cross-claim and supporting brief. (Docket Nos. 26, 27). In a letter dated July 20, 2009, counsel for Northwestern Mutual informed the Court that Northwestern Mutual will not oppose the Motion to Dismiss the Cross-Claim. Accordingly, the Motion to Dismiss is granted.

AND NOW, this 21st day of July, 2009, it is ordered that Third-Party Plaintiff United States of America's Motion to Dismiss Cross-Claim (Docket No. 26) is granted and the cross-claim filed by Northwestern Mutual Life Insurance Company against the United States is dismissed.

BY THE COURT:

/s/ Donetta W. Ambrose
Donetta W. Ambrose
Chief U.S. District Judge